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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,548	10/10/2001	Arie E. Kaufman	AP30612-A-I-072600.02	8170

21003 7590 10/03/2003

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NEW YORK, NY 10112

EXAMINER

WALLACE, SCOTT A

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 10/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,548

Applicant(s)

KAUFMAN ET AL.

Examiner

Scott Wallace

Art Unit

2671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

my 2. Claims 1 <sup>5 ARE</sup> is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, U.S. Patent No. 6,084,407 in view of Bishop, U.S. Patent No. 6603877.

3. As per claim 1, Ellis discloses segmenting the acquired monochrome data set into a plurality of classifications representing a plurality of textures (abstract, fig. 3 and column 2 lines 50-65 and column 3 lines 23-26). However, Ellis does not disclose segmenting the optical image into a plurality of color classifications representing a second plurality of textures. This is disclosed in Bishop in the abstract. It would have been obvious to one of ordinary skill in the art to segment the image based on color because this would aid in the discrimination of the different surfaces (column 1 lines 8-25). Also, the combination of Ellis and Bishop do not disclose generating a texture model for the plurality of color classifications; matching the texture models to the plurality of classifications of the monochrome image data; and applying the texture models to the monochrome image data. This would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the color texture to the monochrome image because this would make it easier to differentiate the textures..

4. As per claim 2, Ellis discloses an imaging scanner for acquiring the monochrome data set (column 2 lines 50-65 and column 3 lines 23-26); a processor (column 3 lines 55-60), said processor segmenting the acquired monochrome data set into a plurality of classifications representing a plurality of textures (abstract and fig 3 and column 2 lines 50-65 and column 3 lines 23-26); A display unit operatively coupled to the processor for displaying a representation of the image data with the texture models applied

(fig 1, #106). However, Ellis does not disclose segmenting the optical image into a plurality of color classifications representing a second plurality of textures. This is disclosed in Bishop in the abstract. It would have been obvious to one of ordinary skill in the art to segment the image based on color because this would aid in the discrimination of the different surfaces (column 1 lines 8-25). Also the combination of Ellis and Bishop do not disclose generating a texture model for the plurality of color classifications; matching the texture models to the plurality of classifications of the monochrome image data; and applying the texture models to the monochrome image data. This would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the color texture to the monochrome image because this would make it easier to differentiate the textures.

5. As per claim 3, computed tomography scanners were well known to scan and produce images in a medical environment.

6. As per claim 4, Ellis discloses wherein the imaging scanner is a magnetic resonance imaging scanner (column 3 lines 31-33).

7. As per claim 5, Bishop discloses wherein the image data with the texture models applied is a color representation of the object being imaged (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Wallace** whose telephone number is **703-605-5163**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mark Zimmerman**, can be reached at 703-305-9798.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA,  
Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be  
directed to the Technology Center 2600 Customer Service Office whose telephone number is  
(703) 306-0377.

  
MARK ZIMMERMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600